

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LATAUSHA SIMMONS,

Plaintiff,

Case No. 18-cv-14058
Hon. Matthew F. Leitman

v.

HENRY FORD HEALTH SYSTEM *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 82) AND (2) GRANTING IN PART
AND DENYING IN PART DEFENDANTS' MOTIONS FOR JUDGMENT
ON THE PLEADINGS (ECF Nos. 66, 68, 71)**

In this action, Plaintiff Latausha Simmons alleges that Defendants Henry Ford Health System and others violated her constitutional rights and committed common law torts against her. (*See* Am. Compl., ECF No. 21.) Defendants have filed motions to dismiss and/or motions for judgment on the pleadings. (*See* Mots., ECF Nos. 66, 68, and 71.) The motions were referred to the assigned Magistrate Judge.

On February 18, 2022, the Magistrate Judge issued a report and recommendation in which she recommended that the Court grant the motions in part and deny the motions in part (the “R&R”). (*See* R&R, ECF No. 82.) More specifically, the Magistrate Judge recommended:

- With respect to Defendants’ motion for judgment on the pleadings (ECF No. 66), the Court should grant the motion in part, dismiss Simmons’ assault, battery, and defamation claims (Counts VI, VII, and VIII of Simmons’ Second Amended Complaint), and deny the motion in all other respects;
- With respect to Defendants’ motion to dismiss (ECF No. 71), the Court should grant the motion in part, dismiss Simmons’ claims brought under 42 U.S.C. § 1983 against Defendant Henry Ford Health System and Defendant Dr. Jennifer Peltzer-Jones, and deny the motion in all other respects;
- With respect to Dr. Peltzer-Jones’ motion for judgment on the pleadings on the remainder of Simmons’ claims against her (ECF No. 68), the Court should grant the motion and dismiss those claims against Dr. Peltzer-Jones;
- The Court should *sua sponte* dismiss Counts III and XIII of Simmons’ Second Amended Complaint for failure to state a claim.

(*Id.*, PageID.997.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wished to seek review of her recommendations, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.1019-1020.)

Defendants did not file any objections to the R&R. On March 7, 2022, Simmons filed a motion in which she asked the Court for additional time to file her objections. (*See Mot.*, ECF No. 83.) The Court granted the motion in part on March 16, 2022, and it extended the time for Simmons to file objections until March 30, 2022. (*See Order*, ECF No. 84.) The Court further warned Simmons that “if [it did] not receive objections by that date, it [would] rule on the R&R in the absence of

[her] objections.” (*Id.*, PageID.1031.) The Court has not received any objections from Simmons by the March 30 extended deadline for her to file objections to the R&R.

The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because no party has filed objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommendation is **ADOPTED**.

IT IS FURTHER ORDERED:

- Defendants’ motion for judgment on the pleadings (ECF No. 66) is **GRANTED IN PART** to the extent that it seeks dismissal of Simmons’ assault, battery, and defamation claims (Counts VI, VI, and VIII of the Second Amended Complaint). Those claims are **DISMISSED**. This motion is **DENIED** in all other respects;
- Defendant’s motion to dismiss (ECF No. 71) is **GRANTED** to the extent that it seeks dismissal of Simmons’ claims brought under Section 1983 against Defendant Henry Ford Health System and Defendant Dr. Peltzer-Jones. Those claims are **DISMISSED**. The motion is **DENIED** in all other respects;
- Defendant Dr. Peltzer-Jones’ motion for judgment on the pleadings (ECF No. 68) is **GRANTED**. The remaining brought claims against Dr. Peltzer-Jones are **DISMISSED**; and

- Counts III and XIII of Simmons' Second Amended Complaint are **DISMISSED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 31, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 31, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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